Book Review

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Handbook of the Law of Federal Courts (2d ed.). By Charles Alan Wright. St. Paul, Minn.: West Publishing Co., 1970. Pp. 745. $13.00.

Federal judges are generalists. The business of the federal courts cuts across virtually all aspects of human behavior from admirality to zoning. Eventually the federal judge can scarcely escape knowing a little bit about everything and not much about anything. Few of us become experts in any area of law, although current national trends may temporarily account for a degree of specialization. For example, probably most federal judges presently know more about habeas corpus law than about the law of a particular state on automobile torts.

Charles Alan Wright was too modest when he composed the Preface to his first edition in 1963. His acknowledged error (admitted in the Preface to the second editon) was to think that he was writing the book for law students and that it would be of little value to the sophisticated federal practitioner and judge. The mistake was a flattering one: that we know more than we really do, or more charitably, that we have instant total recall.

Professor Wright's new edition states all the important problems of which I am aware and in a clear and readable style gives all the answers that are ascertainable. The reason for the new edition is obvious: so much has occurred in the area of federal jurisdiction and procedure that some portions of the first edition are now simply incomplete, if not obsolete. That Professor Wright saw *Hanna v. Plumer*, 380 U.S. 460 (1965) coming and managed to pick out the tune from lower court opinions in 1963 is not the same as the refrain he can now make of the *Erie—Guaranty Trust—Byrd—Hanna* doctrine.[1] The new book is not much longer than the old one. The addition of *Hanna*, for example, was balanced by the omission of lower court decisions no longer even secondarily important.

One of the most significant additions to the book appears at the end of a discussion on the abstention doctrines[2] where Professor Wright evaluates the *Dombrowski—Zwickler—Cameron* triad.[3] Of late, the tendency

[1] Hanna v. Plumer, 380 U.S. 460 (1965); Byrd v. Blue Ridge Rural Elec. Coop., Inc., 356 U.S. 525 (1958); Guaranty Trust Co. v. York, 326 U.S. 99 (1945).

[2] § 52 at 206-208.

[3] Cameron v. Johnson, 390 U.S. 611 (1968); Zwickler v. Koota, 389 U.S. 241 (1967); Dombrowski v. Pfister, 380 U.S. 479 (1965).

of various groups to protest governmental activity and policy has intensified. As a result, federal courts are increasingly asked to interpose themselves between the states and persons seeking to exercise real or imagined first amendment freedoms. For the federal bench, deciding when to interrupt state criminal proceedings in order to dissipate a "chilling effect" that might otherwise inhibit the exercise of free speech rights has become a major problem. Balancing interests of free expression against the interests of a state in maintaining coherency in its criminal proceedings can be a delicate, if not impossible, task. Professor Wright helps. For example, with disarming diffidence he derives the general principles from *Dombrowski, Zwickler,* and *Cameron*:

> (1) If it is clear on its face that a statute is either valid or void, the federal court should give a declaratory judgment to this effect. . . .
> (2) If the statute is unclear on its face, but a single state court decision can remove its ambiguities and may avoid the constitutional question, the federal court should abstain. . . .
> (3) If the statute is unclear on its face, and rights of free expression will be inhibited as citizens await the series of state court decisions that would be needed to define its contours, abstention is inappropriate. . . .
> (4) If the statute is found void, and its effect is to inhibit First Amendment freedoms, the court should enjoin future prosecutions under it. . . .
> (5) Even if the statute is held valid on its face, an injunction will lie against bad faith enforcement of it if necessary to prevent a "chilling effect" on First Amendment rights.

I can share his hope, expressed in the same passage, that the Court will soon clarify the meaning of *Dombrowski.* There are now cases pending that will afford the opportunity.

A word to law students. In 1941 at the Harvard Law School very few students elected to take Professor Henry M. Hart's course in Federal Jurisdiction. I was one of fewer than a dozen, as I recall, to register for it and I did so purely because of my expected employment as law clerk to Judge John J. Parker of the 4th Circuit (World War II intervened). My notes indicate that most of the course material was taken from current decisions in Law Week. I do not recall that we even had a casebook. Certainly there was no "hornbook" on federal courts and federal jurisdiction. Professor Wright's book deserves a more dignified term than

"hornbook," but doubtless it will be called that around the law schools, and it will also inevitably be referred to as a "trot" to anybody's course in federal courts. On that subject I need only say that as one who has taught a course in federal courts at the University of Texas, Summer Session 1968, I do not see how it would be possible for anyone who had read Professor Wright's book to fail such a course. Offhand I am unaware of any other law school course for which there exists an authoritative "trot," but as I have said, it is also much more than that. I would advise any student who decides to buy a copy, and who intends to practice in the federal courts, to keep it.

J. BRAXTON CRAVEN, JR.

Judge, United States Court of Appeals
Fourth Judicial Circuit